

REMARKS

The Examiner provides a number of rejections and we list them here in the order in which they are addressed:

- I. Claims 1, 2, 13 and 14 are rejected under 35 U.S.C. § 112 ¶ 2 as allegedly being indefinite.
- II. Claims 1, 13, and 14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Morgan et al., *J. Immunol.* 148:3937-3942 (1992).
- III. Claim 2 is objected to.

I. Claims 1, 2, 13, and 14 Are Not Indefinite

A. "Defined By" Is Not Unclear

The Examiner believes that "Claim 1 is ambiguous and unclear in the recitation of "defined by an amino acid sequence" because "The term[] [is] not defined in the specification ...". *Office Action* pg 2. The Applicants disagree. The Applicants believe that one skilled in the art would understand "defined by" to mean that the molecule begins and ends with the sequence. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have amended Claim 1 to recite "consisting of" instead of defined. This amendment is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

B. "Approximately" Is Not Unclear

The Examiner believes that "Claim 1 is ambiguous and unclear in the recitation of "approximately five amino acids" because "The term[] [is] not defined in the specification ...". *Office Action* pg 2. The Applicants disagree. The term "approximately" is used many times in the specification in relation to various peptide sequences. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the

right to prosecute the original (or similar) claims, Applicants have amended Claim 1 to delete the reference to "approximately. This amendment is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

II. Claims 1, 13, and 14 Are Not Anticipated By Morgan *et al.*

The Examiner is reminded that Claims 1, 2, 13, and 14 were identified as allowable subject matter pending the removal of references SEQ ID NOs: 4, 5, and 16. *Office Action Mailed April 7, 2004*, pg 4, ¶ 5. The Applicant removed these sequences in response. Now that the Applicant has further clarified this embodiment with the above claim amendments this rejection is now moot.

The Applicants respectfully request the Examiner to withdraw this rejection.

CONCLUSION

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 617.984.0616.

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Peter G. Carroll
Registration No. 32,837

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
617.984.0616